

UNITED STATES DISTRICT COURT

for the

Middle District of Georgia

Division

Case No. _____

(to be filled in by the Clerk's Office)

Adonis Berle Whitby

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Jury Trial: (check one) ☒ Yes ☐ No

Macon Bibb County, Georgia et al.

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

COMPLAINT FOR A CIVIL CASE

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Adonis Berle Whitby
Street Address	302 Juniper Lane
City and County	Macon Bibb County
State and Zip Code	31220
Telephone Number	4783371190
E-mail Address	janiceadonis@msn.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (*if known*). Attach additional pages if needed.

Defendant No. 1

Name	Macon-Bibb County Georgia et al
Job or Title (<i>if known</i>)	
Street Address	700 Poplar St
City and County	Macon Bibb County
State and Zip Code	Georgia 31201
Telephone Number	(478) 751-7170
E-mail Address (<i>if known</i>)	customerservice@maconbibb.us

Defendant No. 2

Name	Lester Miller in his Individual-Capacity
Job or Title (<i>if known</i>)	Mayor
Street Address	700 Poplar St
City and County	Macon Bibb County
State and Zip Code	Georgia 31201
Telephone Number	478) 751-7170
E-mail Address (<i>if known</i>)	customerservice@maconbibb.us

Defendant No. 3

Name	The Board of Commissioners in their Official-Capacity
Job or Title (<i>if known</i>)	Commissioners
Street Address	700 Poplar Street
City and County	Macon Bibb County
State and Zip Code	Georgia 31201
Telephone Number	478-751-7400
E-mail Address (<i>if known</i>)	customerservice@maconbibb.us

Defendant No. 4

Name	Henry C. Ficklin in his Individual-Capacity
Job or Title (<i>if known</i>)	Director Community Affairs and other Lawful Purposes
Street Address	700 Poplar Street
City and County	Macon Bibb County
State and Zip Code	Georgia 31201
Telephone Number	(478) 751-7170

Defendant No. 5

Name	Dr. Keith Moffett in his Individual-Capacity
Job or Title (if known)	County Manager
Street Address	700 Popular Street
City and County	Macon, Bibb County
State and Zip Code	Georgia 31201
Telephone Number	478 751 7400
E-mail Address (if known)	customerservice@maconbibb.us

Defendant No. 6

Name	Charles Brooks in his Individual-Capacity
Job or Title (if known)	Director Engineering Department
Street Address	780 Third Street
City and County	Macon, Bibb County
State and Zip Code	Georgia 31201
Telephone Number	(478) 621-6660
E-mail Address (if known)	customerservice@maconbibb.us

Defendant No. 7

Name	Tim Wilder in his Individual-Capacity
Job or Title (if known)	Director Public Works Department
Street Address	4520 Knight Road
City and County	Macon, Bibb County
State and Zip Code	Georgia 31220
Telephone Number	(478) 803-0490
E-mail Address (if known)	customerservice@maconbibb.us

E-mail Address (if known) customerservice@maconbibb.us

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? (check all that apply)

☒ Federal question

☐ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

Civil Rights Act of 1866;
 Section 1983 (42 USC Section 1983);
 Fair Housing Act 42 U.S.C. § 3601-19;
 Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d-1;
 Section 504 of the Rehabilitation Act of 1973 29 U.S.C. § 794;
 Title II of the Americans with Disabilities Act of 1990 42 U.S.C. §§ 12131 – 12165;
 Age Discrimination Act 42 U.S.C. §§ 6101 – 6107;
 Nondiscrimination on the Basis of Disability in State and Local Government Services
 28 C.F.R. part 35
 Fourteenth Amendment Right to Equal Protection of Law

B. If the Basis for Jurisdiction Is Diversity of Citizenship

1. The Plaintiff(s)

a. If the plaintiff is an individual

The plaintiff, (name) _____, is a citizen of the
 State of (name) _____.

b. If the plaintiff is a corporation

The plaintiff, (name) _____, is incorporated
 under the laws of the State of (name) _____,
 and has its principal place of business in the State of (name) _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)

a. If the defendant is an individual

The defendant, (name) _____, is a citizen of
the State of (name) _____. Or is a citizen of
(foreign nation) _____.

b. If the defendant is a corporation

The defendant, (name) _____, is incorporated under
the laws of the State of (name) _____, and has its
principal place of business in the State of (name) _____.
Or is incorporated under the laws of (foreign nation) _____,
and has its principal place of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

Lula Mae Blvd (Road) located in Macon-Bibb County (MBC) Georgia 1000 feet long and platted in 1955 and opened to the public and maintained by Bibb County a ministerial acts performed by public works. Over the last 67 years the road has fallen into disrepair with only half of the Road maintained. The houses on the Road are majority owned by African-Americans over and under the age of 60, disability, male and female owners. Suit filed Superior Court of Bibb County Georgia 2020-CV-072352 dismissed April 18, 2022 under official immunity and or sovereign immunity. Green signs are county-owned and -maintained roads in Georgia. Lula Mae Blvd is a Green Sign Road and not being maintained because of race, disability, sex and age. We are trying to build a house but cannot access property because Road not being maintained beyond 500 feet. MBC states not a dedicated road but the Road is a public road, not fully maintained because discrimination. Discriminatory practice can be direct or indirect, intentional or unintentional is illegal under federal guaranteed rights.

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Properties with limited or no access to Lula Mae Blvd: 3475 Amica Dr Lizella, Ga 31052, 3500 Lula Mae Blvd, Lizella, GA 31052, 7581 Lula Mae Blvd, Lizella, GA 31052, 7565 Lula Mae Blvd, Lizella, GA 31052, 7565 Lula Mae Blvd, Lizella, GA 31052, 3590 Amica Dr Lizella Ga 31052. Access to Bethel Church Road is traveled over 3500 Lula Mae Blvd which has added to damage to property of 3500 Lula Mae Blvd. Property owners have no access to public road (3475 Amica Drive, 3590 Amica Dr, 7581 Lula Mae Blvd) unless traveling over 3500 Lula Mae Blvd.

Road requested to be opened, cleared, paved and maintained beyond the 500 feet of 1000 feet. Compensatory damages of tax money repaid for over 50 years averaging \$2000 per year (\$100,000), punitive damages 50 years averaging \$2000 per year (\$100,000). Property damage over 50 years \$50,000. Exemplary damages of \$250,000 for intentional civil rights, disability, age, housing, gender violations, emotional and psychological damages.

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

April 21, 2022

Signature of Plaintiff

Adonis B. Whitby

Printed Name of Plaintiff

Adonis Berle Whitby

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address